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Attorneys for Plaintiff
LUCIANA MENDIOLA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

LUCIANA MENDIOLA,

Plaintiff,

v.

STANFORD UNIVERSITY;
JOSE MONTOYA,

Defendants.

Case No. 19-cv-07749-NC

NOTICE OF DISMISSAL OF ENTIRE
ACTION – FILED PURSUANT TO FED. R.
CIV. P. 41(a)(1)(A)(i)

TO THE CLERK OF THE COURT AND HONORABLE NATHANAEL M. COUSINS:

Plaintiff Luciana Mendiola, through her attorney of record, hereby dismisses this action with prejudice pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i), which states that “the plaintiff may dismiss an action without a court order by filing a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment.” Neither of the two defendants in this case—Stanford University and Jose Montoya—has entered an appearance, filed an answer to the complaint, or filed a motion for summary judgment. Accordingly, Plaintiff may dismiss the case without court order simply by filing this notice of dismissal.

This dismissal is “self-executing”—meaning it is effective automatically and does not require judicial approval. *Opperman v. Path, Inc.*, 87 F. Supp. 3d 1018, 1055 (N.D. Cal. 2014); accord *Commercial Space Mgmt. Co., Inc. v. Boeing Co., Inc.*, 193 F.3d 1074, 1078 (9th Cir. 1999) (“it is beyond debate that a dismissal under 41(a)(1) is effective on filing, no court order is required, [and] the parties are left as though no action had been brought”).

RESPECTFULLY SUBMITTED,

DATED: February 5, 2020

SEBASTIAN MILLER LAW, P.C.

/s/ Sebastian L. Miller

Sebastian L. Miller
Attorneys for Plaintiff
LUCIANA MENDIOLA